

Serial No.: 10/688,513
Art Unit: 2628***REMARKS***

This is a full and timely response to the outstanding final Office Action mailed August 10, 2006. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

1. Response to Objection of Claims

Claim 29 is objected to for having multiple uses of the same term ("means"). Accordingly, the claim has been amended to introduce the term "triggering means," as suggested in the Office Action. Therefore, Applicant respectfully requests withdrawal of the objection.

2. Response to Rejection of Claims Under 35 U.S.C. §103(a)

In the Office Action, claims 1-3, 7-8, 22-23, and 26-29 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Ojima* (U.S. Patent Publication No. 2003/0133025 A1). Claims 4, 9-11, 13-16, 21, and 24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Ojima* in view of *Roman* (U.S. Patent Publication No. 2004/0250216 A1). Claims 12 and 17-18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Ojima* in view of *Roman* in further view of *Ejima* (U.S. Patent Publication No. 2003/0103145 A1). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully traverses this rejection.

a. Claims 1-4 and 7-8

As provided in independent claim 1, Applicant claims:

A digital camera, comprising:

an image playback system of the digital camera that presents a base representation of an image, wherein magnification logic responsive to a magnification step is applied to image information used to generate a modified representation of the image resulting from at least a zoom operation;

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a magnification control including a zoom in switch and a zoom out switch to effect respective zoom in and zoom out operations on a representation of the image to generate the modified representation;

a position control including an up switch, a down switch, a left switch, and a right switch to effect respective up, down, left, and right pan operations on a representation of the image to generate the modified representation; and

logic for identifying that portion of the image information responsible for the modified representation, wherein the logic is responsive to a transfer control and automatically presents visible indicia on the base representation to demark a select portion of the image information that is transferred as image information corresponding to the modified representation.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Ojima* does not disclose, teach, or suggest at least “an image playback system of the digital camera that presents a base representation of an image, wherein magnification logic responsive to a magnification step is applied to image information used to generate a modified representation of the image resulting from at least a zoom operation” or “logic for identifying that portion of the image information responsible for the modified representation, wherein the logic is responsive to a transfer control and automatically presents visible indicia on the base representation to demark a select portion of the image information that is transferred as image information corresponding to the modified representation,” as recited and emphasized above in claim 1.

For example, *Ojima* apparently discloses at most an image pickup device using a zoom process and not an image playback system having the magnification features of claim 1. In *Ojima*, “one object of the present invention is to provide a novel image pickup device, method, computer program product, and recording medium in which a zoom process and recording are carried out at any point within a display in a monitor display screen, i.e. at any point in a photographed image, without having to move or refocus a lens.” Para. 0010 (Emphasis added). Further, “In a case of recording or saving image information corresponding to a photographed or picked-up image to memory 40, the image information corresponding to an image displayed in the marking area is recorded or saved. In a case of a digital zoom operation, the digital zoom is only

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executed on the image within the marking area of an image displayed on the LCD monitor 41. In a case of using a crisscross marking, a crossed portion of the crisscross marking coincides approximately with a central portion in the marking area." Para. 0028. Also, "If the shutter is released by an input operation to the operation portion 33 (Yes in step S112), the CPU 30 records image information corresponding to an image displayed in the marked area on the memory 40 (in step S113). CPU 30 may record image information before or after the digital zoom process. If adopting the former alternative, the user reduces a volume of data to be recorded. If adopting the latter alternative, the user saves labor of subsequent image data processing. On the hand, if the shutter is not released (No in step S112), the CPU 30 goes back the first step S101. Alternatively, the CPU 30 may hold operations until releasing of the shutter." Para. 0048.

From the foregoing, *Ojima* fails to teach or describe a magnification process that occurs in a playback mode. For at least this reason, *Ojima* fails to teach or suggest "an image playback system of the digital camera that presents a base representation of an image, wherein magnification logic responsive to a magnification step is applied to image information used to generate a modified representation of the image resulting from at least a zoom operation," as recited in claim 1. Likewise, since *Ojima* is concerned with the initial acquisition of an image, *Ojima* also fails to teach or suggest "logic for identifying that portion of the image information responsible for the modified representation, wherein the logic is responsive to a transfer control and automatically presents visible indicia on the base representation to demarcate a select portion of the image information that is transferred as image information corresponding to the modified representation," as recited in claim 1.

Therefore, a *prima facie* case establishing an obviousness rejection by *Ojima* has not been made. Thus, claim 1 and claims 2-3 and 7-8 (which depend from claim 1) are not obvious under the proposed combination and the rejections should be withdrawn. Further, *Roman* fails to cure the deficiencies of the *Ojima* reference, and therefore, the rejection of claim 4 (which depends from claim 1) should also be withdrawn.

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As provided in independent claim 22, Applicant claims:

A digital camera, comprising:

an image playback system of the digital camera that presents a base representation of an image, wherein magnification logic responsive to a magnification step is applied to image information used to generate a modified representation of the image resulting from at least a zoom operation;

a magnification control including a zoom in switch and a zoom out switch to effect respective zoom in and zoom out operations on a representation of the image to generate the modified representation;

a position control including an up switch, a down switch, a left switch, and a right switch to effect respective up, down, left, and right pan operations on a representation of the image to generate the modified representation;

logic for identifying that portion of the image information responsible for the modified representation, wherein the logic is responsive to a transfer control and automatically presents visible indicia on the base representation to mark a select portion of the image information that is transferred as image information corresponding to the modified representation; and

means for effecting a transfer of the image information associated with the modified representation as modified by the means for effecting zoom in and zoom out operations and means for effecting up, down, left, and right pan operations to a device communicatively coupled to the digital camera.

(Emphasis added).

Applicant respectfully submits that independent claim 22 is allowable for at least the reason that *Ojima* does not disclose, teach, or suggest at least "means for effecting a transfer of the image information associated with the modified representation as modified by the means for effecting zoom in and zoom out operations and means for effecting up, down, left, and right pan operations to a device communicatively coupled to the digital camera," as recited and emphasized above in claim 22.

For example, *Ojima* apparently discloses at most an image pickup device using a zoom process. In *Ojima*, "one object of the present invention is to provide a novel image pickup device, method, computer program product, and recording medium in which a zoom process and recording are carried out at any point within a display in a monitor display screen, i.e. at any point in a photographed image, without having to move or refocus a lens." Para. 0010 (Emphasis added). Further, "In a case of recording or saving image information corresponding to a photographed or picked-up image to

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memory 40, the image information corresponding to an image displayed in the marking area is recorded or saved. In a case of a digital zoom operation, the digital zoom is only executed on the image within the marking area of an image displayed on the LCD monitor 41. In a case of using a crisscross marking, a crossed portion of the crisscross marking coincides approximately with a central portion in the marking area.” Para. 0028. Also, “If the shutter is released by an input operation to the operation portion 33 (Yes in step S112), the CPU 30 records image information corresponding to an image displayed in the marked area on the memory 40 (in step S113). CPU 30 may record image information before or after the digital zoom process. If adopting the former alternative, the user reduces a volume of data to be recorded. If adopting the latter alternative, the user saves labor of subsequent image data processing. On the hand, if the shutter is not released (No in step S112), the CPU 30 goes back the first step S101. Alternatively, the CPU 30 may hold operations until releasing of the shutter.” Para. 0048.

From the foregoing, *Ojima* fails to teach or describe a magnification process that is used in transferring image information. *Ojima* states that image information is stored after a shutter released. After storage of this information, *Ojima* does not provide for transfer of this information using a magnification process described in claim 22. In particular, *Ojima* does not teach or suggest “means for effecting a transfer of the image information associated with the modified representation as modified by the means for effecting zoom in and zoom out operations and means for effecting up, down, left, and right pan operations to a device communicatively coupled to the digital camera,” as recited in claim 22.

Therefore, a *prima facie* case establishing an obviousness rejection by *Ojima* has not been made. Thus, claim 22 and claims 26-29 (which depend from claim 22) are not obvious under the proposed combination and the rejections should be withdrawn. Further, *Roman* fails to cure the deficiencies of the *Ojima* reference, and therefore, the rejection of claim 24 (which depends from claim 22) should also be withdrawn.

Claim 23 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of

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the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

c. Claims 9-13

As provided in independent claim 9, Applicant claims:

A method for editing image information with a digital camera, comprising:

identifying image information;

generating a base representation of the image information;

magnifying the base representation using a discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information to produce a modified representation of the image information;

presenting the modified representation of the image information;

controllably magnifying the modified representation responsive to a magnification control associated with the digital camera;

controllably panning across the modified representation such that subject matter is observable in a newly modified representation;

identifying that portion of the image information responsible for the newly modified representation;

automatically presenting at least one visible indicia on the base representation to demark the portion of the image information identified in the identifying step, wherein the portion of the image responsible for the newly modified representation is indicated within context of the base representation; and

controllably transferring that portion of the image information corresponding to the newly modified representation..

(Emphasis added).

Applicant respectfully submits that independent claim 9 is allowable for at least the reason that *Ojima* in view of *Roman* does not disclose, teach, or suggest at least "controllably transferring that portion of the image information corresponding to the newly modified representation," as recited in claim 9.

For example, *Ojima* apparently discloses at most an image pickup device using a zoom process. In *Ojima*, "one object of the present invention is to provide a novel image pickup device, method, computer program product, and recording medium in which a zoom process and recording are carried out at any point within a display in a monitor display screen, i.e. at any point in a photographed image, without having to move or refocus a lens." Para. 0010 (Emphasis added). Further, "In a case of recording

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or saving image information corresponding to a photographed or picked-up image to memory 40, the image information corresponding to an image displayed in the marking area is recorded or saved. In a case of a digital zoom operation, the digital zoom is only executed on the image within the marking area of an image displayed on the LCD monitor 41. In a case of using a crisscross marking, a crossed portion of the crisscross marking coincides approximately with a central portion in the marking area.” Para. 0028. Also, “If the shutter is released by an input operation to the operation portion 33 (Yes in step S112), the CPU 30 records image information corresponding to an image displayed in the marked area on the memory 40 (in step S113). CPU 30 may record image information before or after the digital zoom process. If adopting the former alternative, the user reduces a volume of data to be recorded. If adopting the latter alternative, the user saves labor of subsequent image data processing. On the hand, if the shutter is not released (No in step S112), the CPU 30 goes back the first step S101. Alternatively, the CPU 30 may hold operations until releasing of the shutter.” Para. 0048.

From the foregoing, *Ojima* fails to teach or describe a magnification process that is used in transferring image information. *Ojima* states that image information is stored after a shutter released. After storage of this information, *Ojima* does not provide for transfer of this information using a magnification process described in claim 9. In particular, *Ojima* does not teach or suggest “controllably transferring that portion of the image information corresponding to the newly modified representation,” as recited in claim 9.

Therefore, a *prima facie* case establishing an obviousness rejection by *Ojima* in view of *Roman* has not been made, since *Roman* fails to cure the deficiencies of the *Ojima* reference. Thus, claim 9 and claims 11 & 13 (which depend from claim 9) are not obvious under the proposed combination and the rejections should be withdrawn. Further, *Ejima* fails to cure the deficiencies of the *Ojima* and *Roman* reference, and therefore, the rejection of claim 12 (which depends from claim 9) should also be withdrawn.

Claim 10 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of

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the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

d. Claims 14-18 and 21

As provided in independent claim 14, Applicant claims:

A computer-readable medium having a program for editing image information, the program comprising logic for:

acquiring image information;

indexing the image information such that the image information can be processed;

magnifying a base representation of the image information responsive to a discrete magnification step that results in a first magnified representation, the discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information;

presenting the first magnified representation;

magnifying the first magnified representation, when desired, to generate a second magnified representation responsive to a control input;

panning across the second magnified representation to produce a modified representation;

identifying that portion of the image information responsible for the modified representation; and

automatically presenting at least one visible indicia on the base representation to demarcate the portion of the image information identified in the identifying step corresponding to the modified representation, wherein the portion of the image responsible for the modified representation is indicated within context of the base representation.

(Emphasis added).

Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Ojima* in view of *Roman* does not disclose, teach, or suggest at least “acquiring image information” and “magnifying a base representation of the image information responsive to a discrete magnification step that results in a first magnified representation, the discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information,” as recited and emphasized above in claim 14.

For example, *Ojima* apparently discloses at most an image pickup device using a zoom process. In *Ojima*, “one object of the present invention is to provide a novel image pickup device, method, computer program product, and recording medium in

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which a zoom process and recording are carried out at any point within a display in a monitor display screen, i.e. at any point in a photographed image, without having to move or refocus a lens." Para. 0010 (Emphasis added). Further, "In a case of recording or saving image information corresponding to a photographed or picked-up image to memory 40, the image information corresponding to an image displayed in the marking area is recorded or saved. In a case of a digital zoom operation, the digital zoom is only executed on the image within the marking area of an image displayed on the LCD monitor 41. In a case of using a crisscross marking, a crossed portion of the crisscross marking coincides approximately with a central portion in the marking area." Para. 0028. Also, "If the shutter is released by an input operation to the operation portion 33 (Yes in step S112), the CPU 30 records image information corresponding to an image displayed in the marked area on the memory 40 (in step S113). CPU 30 may record image information before or after the digital zoom process. If adopting the former alternative, the user reduces a volume of data to be recorded. If adopting the latter alternative, the user saves labor of subsequent image data processing. On the hand, if the shutter is not released (No in step S112), the CPU 30 goes back the first step S101. Alternatively, the CPU 30 may hold operations until releasing of the shutter." Para. 0048.

From the foregoing, *Ojima* fails to teach or describe a magnification process that occurs in a playback mode or that is used in transferring image information. *Ojima* states that image information is stored after a shutter released. After storage of this information, *Ojima* does not provide for transfer of this information using a magnification process described in claim 14. In particular, *Ojima* does not teach or suggest "acquiring image information" and then "magnifying a base representation of the image information responsive to a discrete magnification step that results in a first magnified representation, the discrete magnification step proximal to a midpoint of the digital camera's range for digitally magnifying the image information," as recited in claim 14.

Therefore, a *prima facie* case establishing an obviousness rejection by *Ojima* in view of *Roman* has not been made, since *Roman* fails to cure the deficiencies of the *Ojima* reference. Thus, claim 14 and claims 15-16 & 21 (which depend from claim 14) are not obvious under the proposed combination and the rejections should be withdrawn. Further, *Ejima* fails to cure the deficiencies of the *Ojima* and *Roman*

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reference, and therefore, the rejection of claims 16-17 (which depends from claim 14) should also be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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